

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00033

Alan Headman,
Plaintiff,

v.

Federal Bureau of Investigations et al.,
Defendants.

O R D E R

Plaintiff Alan Headman filed this action seeking an injunction requiring the Federal Bureau of Investigation to conduct an investigation and a declaratory judgment that he has been denied a right to jury trial in a state court matter. Doc. 1. He filed a second amended complaint adding claims against Judge Jerald Dean Fowler, II, and Judge Teresa Welch. Doc. 34. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to a standing order. Doc. 3.

On January 16, 2025, the magistrate judge issued a report recommending that defendants' motions to dismiss (Docs. 38, 43, and 52) be granted and that all claims be dismissed with prejudice. Doc. 62. Plaintiff filed written objections. Doc. 63. The court reviews objected-to portions of the magistrate judge's report and recommendation de novo. *See Fed. R. Civ. P. 72; 28 U.S.C. § 636(b)(1)(C).*

In his objections, plaintiff does not address any specific findings or conclusions in the report. Instead, plaintiff asserts that he has a right to a trial by jury and that the magistrate judge is acting contrary to his constitutional rights.

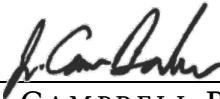
Concerning the federal defendants, Federal Bureau of Investigation and United States, plaintiff has not stated a viable *Bivens* claim because *Bivens* "provides a cause of action only against government officers in their individual capacities" and not government entities. *Affiliated Pro. Home Health Care Agency v. Shalala*,

164 F.3d 282, 286 (5th Cir. 1999). In addition, plaintiff has failed to identify a federal or constitutional right that entitles him to the requested injunctive or declaratory relief.

Furthermore, Judge Fowler and Judge Welch are shielded by absolute judicial immunity. Plaintiff has not identified actions by either judge that are nonjudicial in nature or taken in complete absence of all jurisdiction. *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991). Indeed, as explained in the magistrate judge's report, plaintiff's allegations against both judges center on official judicial acts. Doc. 62 at 4-8. Plaintiff has thus failed to state a claim upon which relief may be granted as to either the federal or state defendants. Fed. R. Civ. P. 12(b)(6).

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court overrules plaintiff's objections and accepts the report's findings and recommendation. The court grants defendants' motions to dismiss. Docs. 38, 43, and 52. This action is accordingly dismissed with prejudice. Any pending motions are denied as moot.

So ordered by the court on February 7, 2025.



J. CAMPBELL BARKER
United States District Judge